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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 9403 OF 2025
WITH
INTERIM APPLICATION STAMP NO. 28984 OF 2025
WITH
INTERIM APPLICATION NO. 2482 OF 2026**

We Care Foundation ... Petitioners
Versus
The State of Maharashtra and ors. Respondents

Mr.Majid Anwar Ibji, for the petitioners.
Mr. Kaushik Mhatre a/w Mr.Sanket Dhawan, Mr. Soham Bhalerao
i/b DSK Legal, for respondent No.2-CIDCO.
Ms.Reena A. Salunkhe, AGP for the respondent-State.
Ms.Manjiri S.Parasnis, for internenor in IAST/28984/2025
Mr. Samir Kumbhakoni, for intervenor in IA/2482/2026.
Mr. Aniruddha A. Garge, for respondent no.3-NMMC.

**CORAM : M. S. KARNIK &
S. M. MODAK, JJ.**

DATE : 1st APRIL, 2026

P.C. :

1. Heard learned counsel for the petitioners. The challenge in this petition is to a notice dated 09/05/2025 issued by the respondent no.2 – the City Industrial and Development Corporation ('CIDCO', for short) in respect of the property which is the subject matter of this petition. According to learned counsel

for the petitioners, the structure in question is a graveyard / Muslim Qabristan. Learned counsel for the intervenors appeared in opposition to the contentions of the petitioners.

2. Learned counsel for the CIDCO submitted that despite earlier notices issued to the petitioners, they have not appeared in response to the said notice. Whereas, it is the submission of learned counsel for the petitioners that sufficient opportunity to represent the cause of the petitioners has not been provided by the Corporation.

3. In such view of the matter, learned counsel for the CIDCO on instructions submitted that should the petitioners appear on the day fixed by this Court, they shall be duly heard and after hearing, appropriate orders will be passed on the notice dated 09/05/2025.

4. Accordingly, learned counsel for the petitioners on instructions submitted that the petitioners would appear before the respondent no. 2 on 09/04/2026 at 11:00 a.m.. It is also open for the intervenors to be present for the hearing. Respondent no.2, after hearing all concerned, to adjudicate the notice dated 09/05/2025 in accordance with law expeditiously.

5. Learned counsel for the petitioners expressed an apprehension that the CIDCO may demolish the structure. However, the said apprehension is not well founded. Till such time the notice is adjudicated in accordance with law, the question of taking any action for demolition does not arise.

6. The writ petition is disposed of. In view of disposal of the writ petition, interim applications do not survive and the same stand disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)